

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION,)
)
)
 Plaintiff,)
)
)
 v.) C.A. No. 04-1373 (KAJ)
)
)
EASTMAN KODAK COMPANY,) **REDACTED**
ALTEK CORPORATION, and)
CHINON INDUSTRIES, INC.,)
)
)
 Defendants.)
)
)

**DECLARATION OF RAY R. ZADO IN SUPPORT OF
AMPEX CORPORATION'S OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

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> CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER <

I, Ray R. Zado, declare:

1. I am a member of the bar of the State of California, and an associate with the firm of Ropes & Gray, 525 University Avenue, Suite 300, Palo Alto, California, counsel to Complainant Ampex Corporation (“Ampex”) in this investigation.

2. I make this declaration in support of Ampex’s Opposition to Defendants Motion For Summary Judgment Of Non-Infringement. Unless specifically indicated otherwise, this Declaration is made based on personal knowledge.

3. The Second Declaration of Dr. George T. Ligler (“Ligler Dec.”), submitted concurrently herewith, relies on “Fact Charts” attached as Tabs 10-16 accompanying the Initial Disclosure of Expert Testimony of Dr. George T. Ligler (Filed in Expert Reports Binder under seal as report 196384 on April 24, 2006). Each fact chart sets forth a series of factual statements regarding the operation of one of the six families of Kodak digital cameras identified in Paragraphs 5-6 of the Ligler Dec., and for each camera within a given family, identifies the evidentiary support for each factual statement.

4. Attached hereto as Exhibit 1 is a true correct copy of United States Patent No. 4,821,121, issued on April 11, 1989.

5. Attached hereto as Exhibit 2 is a document bearing Bates numbers AXD036809-12, entitled “Ampex Chronology.” As stated in this document, Ampex has been awarded twelve Emmy awards (including a 2005 Emmy), as well as five Monitor awards, for outstanding technical achievement. Among the products for which Ampex has received such awards are the first digital electronic still store system (the Ampex ESS), the first quality real time digital effects system (the Ampex ADO), the first

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composite digital video recording technology (D-2), and the first digital component post-production system using digital image compression (DCT). Other technical achievements highlighted include the introduction of one of the first video graphics systems (the Ampex AVA).

6. Attached hereto as Exhibit 3 is a true and correct copy of a document bearing Bates numbers ADX022604-06, entitled "Kodak Announces Staff Cuts of Up to 21%" by Steve Denning, dated January 24, 2004, website print-out from <http://www.stevedenning.com/SIN-37-Kodak-staff-cuts.html>.

7. Attached hereto as Exhibit 4 is a true and correct copy of a document bearing Bates numbers AXD022658-63, entitled "Digital Camera Turns 30 – Sort Of" by Ben Dobbin, dated September 9, 2005, website print-out from <http://www.msnbc.msn.com/id/9261340/>.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the June 8, 2005 deposition testimony of Dr. James Storer in ITC Investigation No. 337-TA-506.

9. Attached hereto as Exhibit 6 is a true and correct copy of United States Patent No. 4,302,776, issued on November 24, 1981.

10. Attached hereto as Exhibit 7 is a true and correct copy of a document bearing Bates numbers EKCNYI005095133-5204, entitled "Kodak EasyShare V550 Zoom Digital Camera, User's Guide."

11. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the May 10-11, 2006 deposition testimony of Dr. George T. Ligler.

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12. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the April 26, 2006 deposition testimony of Dr. Charles G. Boncelet, Jr.

13. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from a document bearing Bates numbers AX067792-852, entitled "ESS-3 Operating Instructions."

14. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from a document bearing Bates numbers AX086129-185, entitled "ESS-2 Digital Video Production System – Installation and Operation."

15. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from a document bearing Bates numbers AX203954-998, entitled "Quantel Limited DLS 6000/1 Operating Instructions."

16. Attached hereto as Exhibit 13 are excerpts from the January 12, 2006 Tutorial Conference before the Honorable Kent A. Jordan in the United States District Court for the District of Delaware.

17. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from a document bearing Bates numbers EKCNY1041929-2743, entitled "TMS320DM270 CPU and Peripherals, Technical Reference Manual," Version 1.2.

18. Attached hereto as Exhibit 15 is a true and correct copy of a source code file for the DX7630 Digital Camera entitled "capture.c"

19. Attached hereto as Exhibit 16 is a true and correct copy of document bearing Bates numbers ALT000010357-365, entitled "Thunderbird CFA Interpolation."

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20. Attached hereto as Exhibit 17 is a true and correct copy of a document bearing Bates numbers ALT005001090-138, entitled "EasyShare Ares and Ares Derivative Digital Camera, Engineering Requirement Specification," Revision 1.0, dated June 30, 2005.

21. Attached hereto as Exhibit 18 is a true and correct copy of a document bearing Bates numbers AX200163-174, entitled "Hynix HY57V561620C(L)T(P)."

22. Attached hereto as Exhibit 19 is a true and correct copy of a document bearing Bates numbers EKC000109009-9034, entitled "DC290 Image Processing Algorithm Specification," Version 0.1, dated December 6, 1999.

23. Attached hereto as Exhibit 20 is a true and correct copy of a document bearing Bates numbers EKCCCI016247-270, entitled "DC4800 Image Processing Chain Specification," Revision 0.1, dated July 31, 2000.

24. Attached hereto as Exhibit 21 is a true and correct copy of a document bearing Bates numbers EKCCCI003420-26, entitled "DS264BK Main PCB," which was marked as deposition exhibit Gomi 180.

25. Attached hereto as Exhibit 22 is a true and correct copy of a document bearing Bates Numbers EKC000062821-926, entitled Kodak EasyShare DX4900 Zoom Digital Camera User's Guide.

26. Attached hereto as Exhibit 23 is a true and correct copy of a printout from the web site <http://www-307.ibm.com/pc/support/site.wss/document.do?Indocid=MIGR-39635>, entitled "IBM 22.2-inch QUXGA TFT Flat Panel Monitor."

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27. Attached hereto as Exhibit 24 is a true and correct copy of a printout from the web site

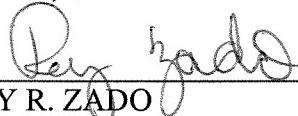
<http://www.viewsonic.com/support/desktopdisplays/lcddisplays/proseries/vp2290b>, entitled "ViewSonicVP2290b."

28. Attached hereto as Exhibit 25 is a true and correct copy of a printout from the web site http://www.adtx.com/en/pdf/products/lcd-md22292c2_mac_e.pdf, entitled "ADTX 22.2 inch LCD color monitor."

29. Attached hereto as Ex. 26 is a copy of the Court's decision in *Cordis Corp. v. Boston Sci. Corp.*, 2006 WL 1305227 (D. Del. May 11, 2006), which provides a recent consideration of whether a finding of infringement under the doctrine of equivalents would vitiate a particular claim element.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of June, 2006, at Palo Alto, California.


RAY R. ZADO

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 20, 2006, I caused to be electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Collins J. Seitz, Jr., Esquire
Jaclyn Mason, Esquire
Connolly, Bove, Lodge & Hutz LLP

and that I caused copies to be served upon the following in the manner indicated:

BY E-MAIL and BY HAND

Collins J. Seitz, Jr., Esquire
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BY E-MAIL and BY FEDERAL EXPRESS (on June 21, 2006)

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